

REMARKS

The present application includes pending claims 1-30, all of which have been rejected. Claim 28 has been amended to correct minor drafting errors. New claims 31-34 have been added.

The specification was objected to, and claim 27 stands rejected under 35 U.S.C. 112, first paragraph, due to recitation of a "third home" in claim 27. The Applicants respectfully submit, however, that the present application clearly states that "[t]ransfer of the media from the first location to one **or more** other locations...." See present application at, *e.g.*, at ¶¶ 9 and 26-27. Thus, the Applicants respectfully request reconsideration of this objection and rejection.

Claims 1-6, 8-15 and 17-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,915,528 ("McKenna"). Claims 7, 17, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McKenna in view of ReplayTV 4000 User Guide, published by Sonicblue Incorporated (hereinafter, Sonicblue). The Applicants respectfully traverse these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

Claim 1 recites, in part, "transferring the media from a first media processing device at a **first geographic location that is remotely located from the home location** to at least a second media processing device **at a second geographic location that is also remotely located from the home location** according to said controlling communication **from said television in the home location.**" The claim is

clear that the first and second locations are both remotely located from the home location. As such, the claim recites three different locations: (1) the home location, (2) the first geographic location, and (3) the second geographic location, each of which is remotely located from one another. Further, the television in the home location provides the controlling communication to transfer media from the first geographic location to the second geographic location. Note, claim 1 does not recite that media is being transferred from the home location to the first or second geographic location. Instead, the television in the home location provides controlling of communication that results in the transfer of media from the first location to the second location.

McKenna relates to a system and method aimed at providing “convenient access to available programming within an entertainment system without requiring the use of a conventional grid-based EPG.” *See* McKenna at column 1, lines 56-60. McKenna discloses that a “record action may be propagated from the selected PIO to all of the PIOs linked to the selected PIO.” *See id.* at column 4, lines 7-9. While McKenna discloses that one PIO may propagate a “record action” to other PIOs, it does not describe, teach or suggest that media is being sent between locations based on a command from a separate location. Indeed, McKenna discloses “broadcast center 110” that broadcasts programming. *See id.* at column 6, lines 7-10.

McKenna also discloses the following:

As shown in FIG. 15, PIOs 502 may be transmitted from one system to another. For example, a PIO 502a may be transmitted via the network 101 to second STB 102b. ...

In the illustrated embodiment, a user of the source STB 102a may select the visual indicator 508a of PIO 502a. Thereafter, the user may select, for example, the send action 504f from the context-sensitive menu 802. The send action 504f may include code for interacting with the communication component 1502 to transmit a copy of the PIO 502a to the destination 102b.

Id. at column 15, line 66 to column 16, line 21. When read in conjunction with Figure 15, to which this description pertains, it is clear that the visual indicator 508a stored on STB 102a (and being shown in television 104 connected to STB 102a) is being sent from STB 102a to STB 102b. However, McKenna does not describe, teach or suggest that one location is commanding media to be sent from STB 102a to 102b, or vice versa.

In general, the Applicants respectfully submit that McKenna does not describe, teach or suggest “transferring the **media** from a first media processing device at a **first geographic location** that is remotely located from the home location to at least a second media processing device at a **second geographic location** that is also remotely located from the home location according to said controlling communication from said television **in the home location**,” as recited in claim 1 or 11, for example. McKenna also does not describe, teach or suggest “a television within a media processing system at a home location that is remotely located from the first geographic location, said television is utilized to arrange media delivery from a second geographic location that is remotely located from said home location to the media peripheral at **the** first geographic location for playback on said media peripheral,” as recited in independent claim 21, nor “a television, within a media processing system, located at a

second home that is remotely located from the first home, wherein said television is utilized to arrange delivery of media from a third home that is remotely located from said first and second homes to said media peripheral at said first home,” as recited in independent claim 27. Thus, the Applicants respectfully submit that McKenna does not anticipate claims 1, 11, 21, 27. The Applicants also respectfully submit that the proposed combination of McKenna and Sonicblue does not render claims 7, 17, 25 and 26 for at least the reasons discussed above.

New claims 31-34 should be in condition for allowance for at least the reasons discussed above. The fee for these new claims is \$428 (4 new claims, one of which is an independent claim).

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

Application. No. 10/675,076
Amendment Under 37 C.F.R. § 1.116
October 14, 2008

The Commissioner is authorized to charge any necessary fees, including the \$428 fee for new claims 31-34, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: October 14, 2008

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